



SOFA VISA EMPLOYMENT CATEGORIES



PURPOSE: To provide commanders, other leaders, and spouses in Area II an update on recent developments concerning family members and ROK Visa Employment categories.

DISCUSSION:

- * **Recent SOFA Changes Effective 2 April 2001:** The Status of Forces Agreement (SOFA) underwent significant changes as part of extensive negotiations between the United States and the Republic of Korea (ROK). The SOFA changes went into effect on 2 April 2001, and they include a one-page Memorandum of Understanding regarding preferential hiring of Koreans and employment of family members (hereinafter MOU).
- * **What is the MOU on the Employment of Family Members:** The MOU on hiring of USFK family members is potentially a good deal for family members seeking employment on the Korean economy. The MOU is fairly characterized as quid-pro-quo. First, USFK committed to employ Korean Nationals for those positions designated now as KN positions, with limited exceptions. In exchange, the ROK agree that they “will positively consider giving employment permission” to dependents to USFK military members and USFK civilian employees stationed in Korea.
- * **There are Eight Employment Related Visa Categories:** The MOU states that “any of the eight employment status categories (E-1 through E-8) may be available” to USFK family members “as long as they meet employment requirements for a position stipulated by Korean Immigration Law”. An English translation of the eight employment visa categories is enclosed. USFK family members retain their A-3 visa status (the SOFA visa status) while also having an employment visa stamped on their passport. No departure from the peninsula and return to Korea is required to obtain such an employment visa. USFK family members will have ROK income taxes withheld by their Korean employer in their income.
- * **How to Get an Employment Visa:** A-3 visa holders may negotiate terms of employment with a Korean company. The employer can then initiate the paperwork with the Immigration Bureau to obtain an employment visa for the SOFA family member, SOFA family members will likely have to visit a local immigration bureau office and obtain an employment visa stamp on their passports. We are informed that the ROK Immigration Bureau, part of the Ministry of Justice, is now writing regulations to implement the MOU. Until the final procedures are in place, temporary employment visas will likely be issued. SOFA family members with a ROK employment visa are lawfully employed on the Korean economy.
- * **Teaching English:** To lawfully work on the Korean economy, SOFA family members must have a ROK employment visa which is obtained through a legitimate Korean employer. If a SOFA family member teaches English privately (on or off post) or teaches for a business, school, or other establishment without obtaining an employment visa, they do so in violation of ROK law and could potentially face deportation or ROK prosecution. Your local legal assistance office can provide advice to individuals regarding employment visas.